IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO :21129 of 2004

Between:

Abyudaya Vidya Samithi, Plot No.4, Ground Floor, Lingampalli,

Kachiguda, Hyderabad-27, Rep. By it's President T.G.Unni Krishna Kurp

S/o late Damodar Kurp,aged about 52 years, R/o Hyderabad.

..... PETITIONER

AND

1 The Government of A.P. rep. By its Principal Secretary, Health, Medical

and Family Welfare Department, Secretariat, Hyderabad.

2 The Director of Medical Education, Government of A.P., A.P.Sultan

Bazar,Hyderabad.

3. The President, A.P. Nurses & Midwives Council, Sultan Bazar, Hyderabad.

4. The Secretary, Indian Nursing Council, Kotla Road, Temple Lane,

New Delhi-110 002.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not considering the petitioner's application for issuing Essentiality Certificate to the petitioner society and further the inaction of the second respondent in appointing the inspection

committee in R.c.No.29070 NE-A/2004, dated 30.10.2004 to inspect the other colleges in pursuance of the Memo issued by the Government in Memo No.21878 K2/2004 dated 26.10.2004 being illegal, aribitrary, and in violation of the order of this Hon'ble Court in W.A.No.1480 of 2004, dated 27.10.2004 consequently direct the respondents to consider the petitioner's application to start the para-medical college.

Counsel for the Petitioner:Ms. G.Elisha

Counsel for the Respondent Nos.1 to 4: GP FOR MEDICAL, HEALTH &

FAMILY

WELFARE

The Court made the following :

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

O R D E R:

The petitioner submits that in pursuance of directions of the then Chairman, Selection Committee Para Medical Institution, a notification was issued calling for applications from the interested institutions to start School of Nursing on or before 29.05.2004. Accordingly, the petitioner has submitted his application on 29.05.2004.

It is stated that after filing the Writ Petition, an inspection team was appointed on 16.11.2004 and the inspection team inspected the institution of the petitioner and sent a report. But, the second respondent who is the concerned authority for granting permission to start Para Medical Institution has neither considered nor disposed of the application of the petitioner so far.

The petitioner seeks only a direction to the second respondent-Director of Medical Education, Government of Andhra Pradesh to consider and dispose of his application in accordance with relevant rules.

If the application complies with all the formalities and conditions, I am of the opinion that there cannot be any restraint for the respondents to consider the application of the petitioner.

Having regard to the facts and circumstances of the case, the second respondent is directed to consider and dispose of the application of the petitioner,

dated 29.05.2004 filed to start the Para Medical College in accordance with law, as early as possible.

With the above directions, the Writ Petition is disposed of. No costs.

-

V. ESWARAIAH, J

Dated: 30-03-2005

Ccm

To

1 The Principal Secretary, Health, Medical and Family Welfare Department,
The Government of A.P., Secretariat, Hyderabad.

2 The Director of Medical Education, Government of A.P., A.P.Sultan
Bazar,Hyderabad.

3. The President, A.P. Nurses & Midwives Council, Sultan Bazar, Hyderabad.

4. The Secretary, Indian Nursing Council, Kotla Road, Temple Lane,
New Delhi-110 002.

5 Two CCs to the G.P. for Health, Medical and Family Welfare Department,,
High Court Buildings, A.P. Hyderabad (OUT)

6 Two CD copies.